

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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In Re:

TERROR ATTACKS ON
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

**NOTICE OF AMENDMENT
AS TO THE TALIBAN AND
MUHAMMAD OMAR**

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This document relates to:

Ashton, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-6977 (GBD)(SN)

Bauer, et al. v. al Qaeda Islamic Army, et al., Case No. 02-cv-7236 (GBD)(SN)

Plaintiffs identified herein file this Notice of Amendment with respect to the underlying Complaint in the above-referenced matter, in a form similar to notices previously permitted and approved by this Court in its December 1, 2020 Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment as to Sudan, ECF No. 6547, and October 28, 2019 Amended Order Approving Notices to Conform, Short Form Complaints and Notices of Amendment addressing claims against the Kingdom of Saudi Arabia (“KSA”) and the Islamic Republic of Iran (“Iran”), ECF No. 5234.¹ Upon the filing of this Notice of Amendment, the underlying Complaint is deemed amended to add the individuals listed below (the “New Plaintiffs”) as plaintiffs raising claims against the Taliban and Muhammad Omar.

The underlying Complaint is deemed amended to include the factual allegations, jurisdictional allegations, and jury trial demand of the *Ashton* Plaintiffs First Amended Complaint, No. 02-6977, ECF No. 2 (hereinafter “*Ashton* First Amended Complaint”), as well as all causes of action and all subsequent amendments thereto. The amendment effected through this Notice of Amendment supplements by incorporation into, but does not displace, the underlying Complaint.

¹ The Order of October 28, 2019 (ECF 5234) approving notices to conform, short form complaints and notices of amendment supersedes all previous Orders addressing procedures established by the Court for filing new claims or amending those brought against defendants including the Court’s July 10, 2018 Amended Order filed at ECF 4045.

This Notice of Amendment relates solely to the Taliban and Muhammad Omar and does not apply to any other defendant.

Upon filing this Taliban Notice of Amendment, each New Plaintiff is deemed to have adopted all factual and jurisdictional allegations of the complaint that has been joined as specified below; all prior filings in connection with the complaint; and all prior Orders and rulings of the Court in connection with that complaint, including the default judgment entered by this Court on May 12, 2006, ECF 1797, which specifically identifies the Taliban and Muhammad Omar in Exhibit B filed at ECF 1782-5, April 27, 2006.

Additionally, each New Plaintiff incorporates the factual allegations and findings contained in the pleadings and orders filed at *Havlish v. Bin Laden*, No. 1:03-CVC-9848 (GBD)(SN) (S.D.N.Y.), ECF Nos. 263, 294, 295, 316; *In re Terrorist Attacks on September 11, 2001*, 03-MDL-1570 (GBD)(SN)(S.D.N.Y.), ECF Nos. 2430, 2431, 2432, 2433, 2473, 2515, 2516; and evidence submitted at the proceedings before the Honorable George B. Daniels on December 15, 2011.

CAUSES OF ACTION

Each New Plaintiff hereby adopts and incorporates herein by reference, the factual allegations, jurisdictional allegations, and jury trial demand in the following complaints:

- *Ashton* First Amended Complaint, No. 02-6977, ECF No. 2.

IDENTIFICATION OF NEW PLAINTIFFS

Each New Plaintiff is or was a survivor of a person who died due to the terrorist attacks of September 11, 2001. For each New Plaintiff, the following chart list the New Plaintiff's name, the New Plaintiff's residency and nationality, the name of the New Plaintiff's deceased family member, the New Plaintiff's relationship to the decedent, and the paragraph(s) of the underlying Complaint discussing the decedent and/or the decedent's estate.

	New Plaintiff's Name (alphabetical by last name)	New Plaintiff's State of Residency at Filing (or death)	New Plaintiff's Citizenship/ Nationality on 9/11/2001	9/11 Decedent's Name	New Plaintiff's Relationship to 9/11 Decedent	Paragraphs of Complaint Discussing 9/11 Decedent
1	Beatini, Susan	New Jersey	U.S. Citizen	Paul F. Beatini	Wife	<i>Bauer</i> action ² Paragraph 46
2	Beatini, Thomas	New Jersey	U.S. Citizen	Paul F. Beatini	Brother	<i>Bauer</i> action Paragraph 46
3	Better, Margarita	Florida	U.S. Citizen	Milton Bustillo	Mother	<i>Bauer</i> action Paragraph 29
4	Bharvaney, Est. of Govind	Thailand	Thailand	Anil T. Bharvaney	Father	<i>Bauer</i> action Paragraph 27
5	Bharvaney, Kishore	Thailand	Thailand	Anil T. Bharvaney	Brother	<i>Bauer</i> action Paragraph 27
6	Bharvaney, Pandora	New Jersey	U.S. Citizen	Anil T. Bharvaney	Wife	<i>Bauer</i> action Paragraph 27
7	Bharvaney, Savitri	Thailand	Thailand	Anil T. Bharvaney	Mother	<i>Bauer</i> action Paragraph 27
8	Blest, Cynthia	New York	U.S. Citizen	Sean Rooney	Sister	<i>Bauer</i> action Paragraph 51
9	Bonnett, Cathynn	New York	U.S. Citizen	Colin Bonnett	Wife	<i>Bauer</i> action Paragraph 6
10	Bonnett, Heather	New York	U.S. Citizen	Colin Bonnett	Sister	<i>Bauer</i> action Paragraph 6
11	Bonnett, Julia	New York	U.S. Citizen	Colin Bonnett	Mother	<i>Bauer</i> action Paragraph 6
12	Bonnett, Kody	New York	U.S. Citizen	Colin Bonnett	Son	<i>Bauer</i> action Paragraph 6
13	Bonoli, Denise	Massachusetts	U.S. Citizen	Jack L. D'Ambrosi, Jr.	Sister	<i>Bauer</i> action Paragraph 21
14	Bowden, James F.	New Jersey	U.S. Citizen	Thomas H. Bowden, Jr.	Brother	<i>Bauer</i> action Paragraph 7
15	Bowden-Hart, Alyson V.	South Carolina	U.S. Citizen	Thomas H. Bowden, Jr.	Daughter	<i>Bauer</i> action Paragraph 7
16	Bowden-Hart, Deborah	South Carolina	U.S. Citizen	Thomas H. Bowden, Jr.	Wife	<i>Bauer</i> action Paragraph 7
17	Bowden-Hart, Sara J.	South Carolina	U.S. Citizen	Thomas H. Bowden, Jr.	Daughter	<i>Bauer</i> action Paragraph 7
18	Bowman, Carol A.	Florida	U.S. Citizen	Shawn E. Bowman, Jr.	Mother	<i>Bauer</i> action Paragraph 8

² *Bauer, et al. v. al Qaeda Islamic Army, et al.*, Case No. 02-cv-7236 (GBD)(SN), herein referred to as *Bauer* action, was consolidated into the *Ashton* action in the *Ashton* First Amended Consolidated Master Complaint filed on 08/01/2003, ECF No. 32.

19	Bowman, James E.	New York	U.S. Citizen	Shawn E. Bowman, Jr.	Brother	<i>Bauer</i> action Paragraph 8
20	Bowman, Sr., Shawn E.	Florida	U.S. Citizen	Shawn E. Bowman, Jr.	Father	<i>Bauer</i> action Paragraph 8
21	Bowman Henry, Jack	New Jersey	U.S. Citizen	Shawn E. Bowman, Jr.	Son	<i>Bauer</i> action Paragraph 8
22	Bowman Henry, Liam	New Jersey	U.S. Citizen	Shawn E. Bowman, Jr.	Son	<i>Bauer</i> action Paragraph 8
23	Brandofino, Jeanne	New York	U.S. Citizen	Daniel L. Maher	Sister	<i>Bauer</i> action Paragraph 17
24	Brennan, Anita	Florida	U.S. Citizen	Thomas M. Brennan, Sr.	Mother	<i>Bauer</i> action Paragraph 45
25	Brennan, Catherine A.	New York	U.S. Citizen	Thomas M. Brennan, Sr.	Daughter	<i>Bauer</i> action Paragraph 45

Dated: April 11, 2022

Respectfully submitted,

BAUMEISTER & SAMUELS, P.C.

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